

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

v.  
*Plaintiff-Applicant,*

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

*Defendant.*

Adv. Proc. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

*Debtor.*

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

v.  
*Plaintiff,*

ABN AMRO RETAINED NOMINEES (IOM)  
LIMITED, f/k/a ABN AMRO Fund Services  
(Isle of Man) Nominees, and f/k/a Fortis (Isle of Man)  
Nominees Limited, and PLATINUM ALL WEATHER  
FUND LIMITED,

*Defendant.*

Adv. Proc. No. 12-01697 (CGM)

**DECLARATION OF LUCAS B. BARRETT IN SUPPORT OF  
DEFENDANT PLATINUM ALL WEATHER FUND LIMITED'S MOTION TO DISMISS**

I, Lucas B. Barrett, pursuant to 28 U.S.C. § 1746, declare:

1. I am a member of the bar of the State of New York and of this Court and an attorney at Arnold & Porter Kaye Scholer LLP, counsel for defendant Platinum All Weather Fund Limited (“PAWFL”) in this adversary proceeding. I submit this declaration in support of

PAWFL's Memorandum of Law in Support of its Motion to Dismiss the Amended Complaint (the “**Amended Complaint**” or “**Am. Compl.**,” No. 12-01697 ECF 141) filed by plaintiff Irving H. Picard, Trustee (the “**Trustee**”) for the Liquidation of Bernard L. Madoff Investment Securities LLC (“**BLMIS**”) and the Estate of Bernard L. Madoff in this proceeding.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Amended Complaint with exhibits thereto.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Second Amended Complaint filed by the Trustee in the matter captioned *Picard v. Fairfield Sentry Ltd.*, Adv. Pro. 09-01239 (Bankr. S.D.N.Y.) (the “**Fairfield Action**”), ECF No. 286 (the “**Fairfield Second Amended Complaint**”), without exhibits.

4. Collectively attached hereto as **Exhibit C** are true and correct copies of Exhibits 5, 6, 8, 10, 12, 13, 14 and 21 to the Fairfield Second Amended Complaint filed in the Fairfield Action, ECF Nos. 286-5, 286-6, 286-8, 286-10, 286-12, 286-13, 286-14, and 286-21.

5. Attached hereto as **Exhibit D** is a true and correct copy of the First Amended Complaint filed by the Trustee in the Fairfield Action, ECF No. 23 (the “**Fairfield First Amended Complaint**”), without exhibits.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Settlement Agreement dated as of May 9, 2011 between the Trustee and Kenneth Krys and Joanna Lau, as Joint Liquidators of the Fairfield Funds (the “**Fairfield Settlement Agreement**”), filed in the Fairfield Action, ECF No. 69-2, without exhibits.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2023  
New York, New York

/s/ Lucas B. Barrett  
Lucas B. Barrett